

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**FILED
SCRANTON**

**JIMMY A. SCHLIER, WRECKERS
INT'L, INC. d/b/a SCHLIER'S
TOWING & SERVICE CENTER,**

MAR 20 2008

PER
DEPUTY CLERK

Plaintiffs,

v.

CIVIL ACTION NO. 04-CV-1863

JOHN G. RICE, et al.,

(JUDGE CAPUTO)

Defendants.

SPECIAL VERDICT SLIP

- (1) Have Plaintiffs shown by a preponderance of the evidence that either Defendant caused Wreckers International, Inc., to be removed from police towing referral lists?

(a) Major John G. Rice Yes X No

(b) Lt. David Douglas Yes X No

Proceed to Question 2.

- (2) Have Plaintiffs shown by a preponderance of the evidence that Lt. Douglas caused Wreckers not to be reinstated to the lists after six (6) months of suspension?

Yes X No

If you answered NO Question 1(a), Question 1(b) AND Question 2, proceed to Question 5.

If you answered YES to ANY of the questions above, proceed to Question 3.

- (3) Have Plaintiffs shown by a preponderance of the evidence that Plaintiffs' protected activity was a motivating factor in a decision by either Defendant to remove Wreckers from the towing referral lists in August 2002?

(a) Major John G. Rice Yes X No

(b) Lt. David Douglas Yes No X

Proceed to Question 4.

- (4) Have Plaintiffs shown by a preponderance of the evidence that Plaintiffs' protected activity was a motivating factor in a decision by Lt. Douglas that caused Wreckers to not be reinstated to the lists after six (6) months of suspension?

Yes X No

Proceed to Question 5.

- (5) Have Defendants shown by a preponderance of the evidence that they would have made the same decisions even if Plaintiffs' protected activity had played no role in their decisions?

(a) Major John G. Rice Yes No X

(b) Lt. David Douglas Yes No X

If you answered NO in Question 5 with regard to either Defendant, proceed to Question 6. If you answered YES for both Defendants, proceed to the end to sign and date the Special Verdict Slip.

- (6) Please state the amount, if any, that will fairly compensate each Plaintiff for any injury actually sustained as a result of the Defendants' conduct. (If you find that Plaintiffs have failed to show they suffered actual damages, you must award \$1.00 as nominal damages.)

(a) Jimmy Schlier \$ 2.25 million (Fill in Dollar Figure)

(b) Wreckers International, Inc. \$ 1.0 million (Fill in Dollar Figure)

Proceed to Question 7.

- (7) Do you award punitive damages against either of the Defendants? If so, how much do you award?

(a) Major John G. Rice

\$ 0 (Fill in Dollar Figure)

(b) Lt. David Douglas

\$ 0 (Fill in Dollar Figure)

3-20-08
Date

[REDACTED]